

Wayne J. Carr

Serial No.: 09/321,939

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Title: COMMUNICATING ANCILLARY
INFORMATION ASSOCIATED
WITH A PLURALITY OF
VIDEO/AUDIO PROGRAMS

Group Art No. 2712

Docket No: ITL.0208US (P7014)

Examiner: Jason P. Salce

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

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REPLY TO OFFICE ACTION DATED JULY 5, 2002


Dear Sir:

Please amend the application as set forth below.

REMARKS

In the Office Action dated July 5, 2002, claims 10, 15, 18, 19, 21, and 22 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,025,837 (Matthews); claims 16, 17, 20, 23, 27, and 29-31 were rejected under § 103 over Matthews in view of the Advanced Television Enhancement Forum specification; claims 1, 3, 5, 6, 11, and 12 were rejected under § 103 over Matthews in view of U.S. Patent No. 6,181,334 (Freeman); claims 2, 4, 7, 13, 14, 24, 25, and 28 were rejected under § 103 over Matthews in view of Freeman and further in view of ATVEF; claim 8 was rejected under § 103 over Matthews in view of U.S. Patent Nos. 5,559,625 (Smith); claims 9 and 26

Date of Deposit: March 4, 2002
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, **Non-Fee Amendments**/Washington, DC 20231.

Patents, Non-Fee Amendments, Washington,

 Dawn L. Thomas

were rejected under § 103 over Matthews in view of Smith and further in view of ATVEF.

Applicant respectfully traverses all rejections. It is respectfully submitted that Matthews does not disclose all elements recited in claim 10. In the Office Action, the "More" hyperlink 140 (shown in Fig. 5 of Matthews) was equated with an announcement as recited in claim 10.¹ The Office Action also equated the short cut label 180 (shown in Fig. 7) as being a predetermined indication as recited in claim 10.

With respect to these two elements, it is noted that the "More" hyperlink (along with other hyperlinks) are supplied with the program records received from the headend 22. Matthews, 9:57-58. In other words, the hyperlinks of Matthews are not received over a separate delivery mechanism from the headend 22. Claim 10 expressly recites receiving audio/video programs over a transport medium and receiving a plurality of ancillary information streams associated with a plurality of audio/video programs over a separate delivery mechanism, with announcements *in the ancillary information streams* being expected at a first location. Thus, it is clear that the announcements, which are part of the ancillary information streams, are received over a delivery mechanism that is separate from the audio/video content. In Matthews, on the other hand, the "More" hyperlink, along with other hyperlinks, are received with the audio/video programs. Therefore, for at least this reason alone, claim 10 is not disclosed or suggested by Matthews.

Also, claim 10 recites a predetermined indication that is received at a first location at which announcements in the ancillary information streams are expected. The short cut label 180 (shown in Fig. 7 of Matthews) is not received at a location at which announcements in ancillary information streams are expected. In fact, as described in Matthews, the short cut label 180 is created by a drag-and-drop operation that involves a viewer (using a handset, mouse, or other tool) clicking on a program tile with a specific logo and dragging a label from the user interface to another location on the screen. Clearly, Matthews does not teach or suggest receiving a predetermined indication at the

¹ Although the Office Action also cites to a web page as being an announcement, it is unclear how a web page can constitute an announcement. A web page contains content that is retrieved in response to a user suggest (such as clicking a hyperlink). Therefore, it is unreasonable to equate the recited announcement with a web page.

location specified by claim 10. Therefore, for this additional, independent reason, claim 10 is not anticipated by Matthews.

Another element of claim 10 is identifying a location of the announcement of the ancillary information screen associated with the tuned audio/video program based on the predetermined indication. In Matthews, clicking on the short cut label 180 causes the interface unit to tune to the appropriate TV channel and video content screen. Matthews, 12:11-17. Thus, what happens in Matthews is that clicking of the label 180 (which has been equated to the predetermined indication in the Office Action) causes the interface unit to tune to the audio/video program, *not* identify a location of the *announcement* of an ancillary information stream associated with a tuned audio/video program. For this additional reason, claim 10 is not anticipated by Matthews.

In view of the foregoing, it is respectfully submitted that there are significant and numerous differences between what is recited in claim 10 and what is disclosed by Matthews. As a result, the anticipation rejection is clearly erroneous and should be withdrawn.

Independent claim 15 is also distinguishable over Matthews, because Matthews fails to teach a second device adapted to receive one or more special indicators and a stream of ancillary information portions associated with a plurality of audio/video programs over a separate delivery mechanism. Also, Matthews fails to teach or suggest a controller adapted to locate one or more ancillary information portions associated with a tuned audio/video program *based on information in a special indicator identified with the tuned audio/video program*.

With respect to independent claim 19, Matthews does not teach or suggest a second unit that is adapted to *transmit* combined announcement information portions with a special indicator associated with an audio/video program. Note that the label 180 of Matthews, which has been equated with the special indicator by the Office Action, is created by a user at the receiving end. Therefore, there is no transmission of announcement information with the special indicator. Also, clearly, there is no indication of the special indicator being transmitted to a first location at which the announcement information portions are expected, with the special indicator identifying locations of the

announcement information portions. Therefore, claim 19 is also allowable over Matthews.

Independent claim 21 is allowable over Matthews for reasons similar to those provided for claims 10 and 15.

With respect to claim 1, contrary to the assertion in the Office Action, Matthews fails to teach the following elements: receiving enhancement data associated with multiple television channels that have been multiplexed onto a separate delivery mechanism, with announcements in the enhancement data being expected at a first location; receiving one or more special indications at the first location indicating that enhancement data is available on the separate delivery mechanism; the one or more special indications identifying locations of the announcements associated with the multiple television channels; and determining a location of an announcement based on a special indication associated with a currently tuned television channel. Nothing in Freeman suggests a modification of Matthews that would achieve the claimed combination. Therefore, a *prima facie* obviousness rejection with respect to claim 1 has not been established over the alleged combination of Matthews and Freeman.

Claim 8 is allowable over the alleged combination of Matthews and Smith because the alleged combination fails to teach or suggest the following elements: a device adapted to receive announcement data associated with the tuned audio/video content directed to a first location and to receive a special announcement directed to the first location (the special announcement indicating availability of the announcement data); and a controller to redirect announcement data to a second location in response to the special indication.

With respect to claim 11, contrary to the assertion in the Office Action, there is no teaching by the alleged combination of Matthews and Freeman of multiplexing enhancement data including announcement associated with multiple audio/video programs for transmission over *a separate delivery mechanism*. Also, there is no teaching or suggestion of transmitting a predetermined indication over the separate delivery mechanism to a first location at which the announcements in the enhancement data are expected. Further, there is no teaching or suggestion of a predetermined

indication identifying a location other than the first location of one or more announcements associated with the one audio/video program.

For the foregoing reasons, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0208US).

Respectfully submitted,

Date: 10-4-02



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PATENT TRADEMARK OFFICE

A handwritten signature in black ink, appearing to read 'Dan C. Hu', written over a horizontal line.

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